

**FILED**

**JAN 25 2013**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-801

**JACINDA KAY SORENSEN**  
3272 Genevieve Street  
San Bernardino, CA 92405

**ACCUSATION**

Vocational Nurse License No. VN 187614

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about March 16, 1999, the Board of Vocational Nursing and Psychiatric Technicians ("Board") issued Vocational Nurse License No. VN 187614 to Jacinda Kay Sorensen ("Respondent"). The Vocational Nurse License expired on January 31, 2011, and has not been renewed.

**JURISDICTION**

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 states, in pertinent part:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under provision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or when a judgment of conviction has been affirmed on appeal, or when an order granting probation is issued or suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a professional nurse license for any reason provided in Article 3 (commencing with section 2875) of the Occupational Nursing Practice Act.

7. Section 2878 states, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(b) Procuring a certificate by fraud, misrepresentation, or mistake.

...

1       "(f) Conviction of a crime substantially related to the qualifications, functions, and duties  
2 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive  
3 evidence of the conviction.

4       ...

5       "(j) The commission of any act involving dishonesty, when that action is related to the  
6 duties and functions of the licensee."

7       8. Section 2878.5 states, in pertinent part:

8       "In addition to other acts constituting unprofessional conduct within the meaning of this  
9 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed  
10 under this chapter to do any of the following:

11       "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
12 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
13 administer to another, any controlled substance as defined in Division 10 of the Health and Safety  
14 Code, or any dangerous drug as defined in Section 4022.

15       "(b) Use any controlled substance as defined in Division 10 of the Health and Safety  
16 Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in  
17 a manner dangerous or injurious to himself or herself, any other person, or the public, or to the  
18 extent that the use impairs his or her ability to conduct with safety to the public the practice  
19 authorized by his or her license.

20       "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous  
21 drug, or the prescription, consumption, or self-administration of any of the substances described  
22 in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
23 conclusive evidence thereof."

#### 24                                   REGULATORY PROVISIONS

25       9. California Code of Regulations, title 16, section 2518.6 states, in pertinent part:

26       ....

27       "(b) A licensed vocational nurse shall adhere to standards of the profession and shall  
28 incorporate ethical and behavioral standards of professional practice which include but are not

1 limited to the following:

2 ....

3 “(4) Abstaining from chemical/substance abuse.

4 “(c) A violation of this section constitutes unprofessional conduct for purposes of  
5 initiating disciplinary action....”

6 10. California Code of Regulations, title 16, section 2521 states in pertinent part:

7 “For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
8 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be  
9 considered to be substantially related to the qualifications, functions or duties of a licensed  
10 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed  
11 vocational nurse to perform the functions authorized by his license in a manner consistent with  
12 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
13 involving the following:

14 “(a) Procuring a license by fraud, misrepresentation, or mistake.

15 ....

16 “(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting  
17 the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the  
18 Code....”

19 **COST RECOVERY**

20 11. Section 125.3 provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licentiate found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

24 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

25 12. “Paxil,” a trade name for paroxetine hydrochloride, an anti-depressant, is categorized  
26 as a dangerous drug pursuant to section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crimes)**

3 13. Respondent is subject to disciplinary action under Code sections 2878, subdivision  
4 (f), and 490, in conjunction with California Code of Regulations, title 16, section 2521, in that  
5 Respondent was convicted of crimes substantially related to the qualifications, functions, or  
6 duties of a licensed vocational nurse, as follows:

7 a. On or about December 28, 2009, after pleading *guilty*, Respondent was convicted of  
8 one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while  
9 having a 0.08% blood alcohol or higher] in the criminal proceeding *The People of the State of*  
10 *California v. Jacinda Sorenson* (Super. Ct. San Bernardino County, 2009, No. TSB904066). The  
11 Court sentenced Respondent to two days in jail, placed Respondent on 36 months probation, and  
12 ordered Respondent to attend a Multiple Offender Alcohol Program. The circumstances  
13 surrounding the conviction are that on or about August 17, 2009, the San Bernardino Police  
14 Department pulled over Respondent's vehicle after she almost collided with a bicyclist in a  
15 crosswalk. A Breathalyzer test revealed that Respondent had a blood alcohol level of  
16 0.25/0.26%. Respondent was arrested for driving while under the influence

17 b. On or about September 11, 2008, after pleading *guilty*, Respondent was convicted of  
18 one misdemeanor count of violating Penal Code section 484, subdivision (a) [petty theft] in the  
19 criminal proceeding entitled *The People of the State of California v. Jacinda Kay Sorenson*  
20 (Super. Ct. San Bernardino County, 2008, No. MSB804839). The Court placed Respondent on  
21 24 months probation and ordered Respondent to pay the Victim Restitution fine. The  
22 circumstances surrounding the conviction are that on or about July 13, 2008, Respondent entered  
23 a Sears department store, placed merchandise in a bag, and then exited the store without paying  
24 for the merchandise.

25 c. On or about May 15, 2005, after pleading *guilty*, Respondent was convicted of one  
26 misdemeanor count of violating South Dakota Codified Law section 32-23-2 [driving under the  
27 influence] in the criminal proceedings entitled *People of the State of South Dakota v. Jacinda K.*  
28 *Sorensen* (Circuit Ct. Pennington County, 2005, No. 51C05000912A0). The Court ordered

1 Respondent's license to be revoked for 30 days and further ordered Respondent to obtain a  
2 drug/alcohol evaluation. The circumstances surrounding the conviction are that on or about  
3 February 20, 2005, the Rapid City Police Department pulled over Respondent's vehicle due to  
4 Respondent's erratic driving. While speaking to Respondent, the officer observed her to be  
5 confused and have red and glassy eyes. The officer asked Respondent if she had drank any  
6 alcoholic beverages, to which Respondent replied "maybe four." The officer further observed  
7 Respondent to have dilated pupils and asked her if she had taken any medication or drugs.  
8 Respondent admitted to taking Paxil. Respondent was arrested for driving under the influence of  
9 alcohol/drugs.

## 10 **SECOND CAUSE FOR DISCIPLINE**

### 11 **(Alcohol Related Convictions)**

12 14. Respondent is subject to disciplinary action under Code sections 2878, subdivision (a)  
13 and 2878.5, subdivision (c), on the grounds of unprofessional conduct, in that on or about August  
14 17, 2009 and February 20, 2005, Respondent was convicted of crimes involving alcoholic  
15 beverages. Complainant refers to, and by this reference incorporates, the allegations set forth  
16 above in paragraph 13, subparagraphs (a) and (c) inclusive, as though fully set forth herein.

## 17 **THIRD CAUSE FOR DISCIPLINE**

### 18 **(Unprofessional Conduct – Illegal Use of Drugs/Alcohol Posing Danger to Public)**

19 15. Respondent is subject to disciplinary action under Code sections 2878, subdivision (a)  
20 and 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that on or about August  
21 17, 2009 and February 20, 2005, Respondent consumed alcohol and Paxil, a dangerous drug, in a  
22 manner that was dangerous to herself and the public. Complainant refers to, and by this reference  
23 incorporates, the allegations set forth above in paragraphs 13, subparagraphs (a) and (c) inclusive,  
24 as though fully set forth herein.

## 25 **FOURTH CAUSE FOR DISCIPLINE**

### 26 **(Unprofessional Conduct – Failure to Abstain from Chemical/Substance Abuse)**

27 16. Respondent is subject to disciplinary action under Code sections 2878, subdivision  
28 (a), and California Code of Regulations, title 16, section 2518.6, subdivision (b)(4), on the

1 grounds of unprofessional conduct, in that on or about August 17, 2009 and February 20, 2005,  
2 Respondent failed to abstain from alcohol. Complainant refers to, and by this reference  
3 incorporates, the allegations set forth above in paragraph 13, subparagraphs (a) and (c) inclusive,  
4 as though fully set forth herein.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Commission of Any Act Involving Dishonesty)**

7 17. Respondent is subject to disciplinary action under Code section 2878, subdivision (j),  
8 in that Respondent committed an act involving dishonesty. On or about July 13, 2008,  
9 Respondent was arrested and convicted by the San Bernardino County Superior Court for  
10 violating Penal Code section 484, subdivision (a) [petty theft]. Complainant refers to, and by this  
11 reference incorporates, the allegations set forth above in paragraph 13, subparagraph (b),  
12 inclusive, as though fully set forth herein.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Procuring a License by Fraud or Misrepresentation)**

15 18. Respondent is subject to disciplinary action under Code section 2878, subdivision  
16 (b), in that on or about April 14, 2007, Respondent procured a renewed license by fraud or  
17 misrepresentation by, failing to disclose her 2005 conviction in South Dakota on her application  
18 for renewal of license, which she signed and certified under penalty of perjury, under the laws of  
19 the State of California, to the truthfulness and correctness therein. Complainant refers to, and by  
20 this reference incorporates, the allegations set forth above in paragraph 13, subparagraph (c),  
21 inclusive, as though fully set forth herein.

22 **PRAYER**

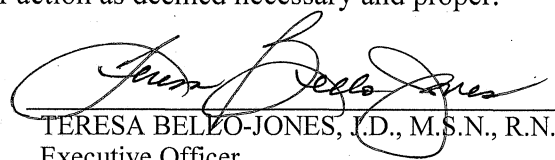
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board issue a decision:

- 25 1. Revoking or suspending Vocational Nurse License No. VN 187614, issued to Jacinda  
26 Kay Sorensen;
- 27 2. Ordering Jacinda Kay Sorensen to pay the Board the reasonable costs of the  
28 investigation and enforcement of this case, pursuant to section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: JAN 25 2013



TERESA BELZO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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